



STATE OF INDIANA

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October 29, 2012

Mr. Charles E. Andrews
3753 N. Park Avenue
Indianapolis, Indiana 46205

Re: Formal Complaint 12-FC-290; Alleged Violation of the Access to Public Records Act by the Indianapolis Housing Agency

Dear Mr. Andrews:

This advisory opinion is in response to your formal complaint alleging the Indianapolis Housing Agency (“Agency”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et seq.* Aaron Johnson, Deputy Counsel, responded in writing to your formal complaint. His response is enclosed for your reference.

BACKGROUND

In your formal complaint, you provide that you the Agency has refused to provide you with copies of various records related to your application for housing and landlord referral information.

In response to your formal complaint, Mr. Johnson advised that you were informed on multiple occasions that you would need to submit your request in writing in order to be provided copies of the records that you requested. To date, the Agency has yet to receive a written request from you. Regardless, the Agency is now satisfied that what you have provided in your written formal complaint will suffice for a written request. As such, all records that are responsive to your request are enclosed.

ANALYSIS

The public policy of the APRA states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” *See* I.C. § 5-14-3-1. Accordingly, any person has the right to inspect and copy an agency’s public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within twenty-four hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. *See* I.C. § 5-14-3-9(b). At the agency's discretion, a request to inspect and copy may be in writing or on a form provided by the agency. *See* I.C. § 5-14-3-3(a)(2). The Agency has provided on numerous occasions you were informed that you would need to submit your request for records in writing. As of today's date, the Agency has yet to receive a written request for records from you. Accordingly, it is my opinion that the Agency did not violate the APRA by requiring that your request be made in writing. Regardless, the Agency has provided that your written formal complaint will suffice as a request for records. As such, all records that are responsive to your request are enclosed, which I trust is in satisfaction of your formal complaint.

CONCLUSION

For the foregoing reasons, it is my opinion that the Agency did not violate the APRA.

Best regards,

A handwritten signature in black ink, appearing to read "Joe Hoage". The signature is stylized with a large initial "J" and "H".

Joseph B. Hoage
Public Access Counselor

cc: Aaron Johnson